

REMARKS/ARGUMENTS

The undersigned thanks the Examiner for giving the Applicant an opportunity to discuss the distinction between a control panel web browser and the claimed application programming interface during a telephonic conference on February 24, 2005. A summary of the Applicant's arguments is provided below for the Examiner's convenience. The undersigned thanks the Examiner for his helpful comments which should serve to expedite the prosecution of this case.

Solely in order to expedite, claim 1 has been amended to additionally recite the features recited on claims 2 and 3. In addition, the other independent claims have been amended to additionally recite the features recited in claim 2 and 3. It is respectfully submitted that NO substantive amendment has been made and the Amendment should be entered in the record to reduce issues. The Applicant reserves the right to pursue claims of the original scope in a continuation application.

The Applicant respectfully reiterates the arguments submitted in an amendment dated June 30, 2004 and submits that the claimed invention is patentable over U.S. Patent No. 5,778,181 (*Hidary et al.*). Furthermore, the Applicant respectfully traverses the Examiner's rejection for these additional reasons.

(a) *Hidary et al.* does NOT teach or suggest: an application programming interface including a listener interface that can determine if synchronized data transmitted by a broadcaster is available for access (Claim 1)

Contrary to the Examiner's assertion (Final Office Action, page 6, citing *Hidary et al.*, Col. 4, line 64), it is respectfully submitted that *Hidary et al.* does NOT teach an application programming interface the can determine if synchronized data transmitted by a broadcaster is available for access. In the Office Action, the Examiner seems to be asserting that a Java-enabled web browser of *Hidary et al.* teaches this feature (Office Action, page 6). This assertion is based on a statement in *Hidary et al.* that notes: a Java enabled browser allows a computer (16) to retrieve Web pages (*Hidary et al.*, Col. 4, line 64). Clearly, a web browser which allows retrieval of Web pages does NOT teach an application programming interface the can determine if synchronized data

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transmitted by a broadcaster is available for access because, among other things, there is a grave distinction between an application programming interface and a web browser. This grave distinction is generally known in the art, as evidenced by the definition of these two terms in various technical literature (See, for example, in the Microsoft Computer Dictionary, fifth edition). An application programming interface can be defined as set of routines used by an application program (Microsoft Computer Dictionary, fifth edition, page 33, which is submitted herewith for the Examiner's convenience). On the other hand, a web browser is software that lets a user view HTML documents and access files and software related to those documents. (Microsoft Computer Dictionary, fifth edition, page 562, which is also provided herewith). As also noted in the specification, an application program (402) can use the API provided in accordance with one embodiment of the invention to initiate one or more listener interfaces (specification, page 9). A listener object is an instance of a class that implements a special interface called a listener interface. Also, as noted in the specification, a listener interface may be implemented as a Java public abstract interface for providing notification of pending synchronized data that is available for access (Specification, page 11). Clearly, a control panel is NOT a listener interface of an application programming interface. Clearly, the browser of *Hidary et al.* which lets a user view HTML documents and access files is NOT an application programming interface that can be used by an application program. Therefore, it is respectfully submitted that even under the broadest reasonable interpretation the web browser or the control panel noted in *Hidary et al.* cannot possibly teach or suggest an application programming interface that can determine if synchronized data transmitted by a broadcaster is available for access.

(b) *Hidary et al.* does NOT teach or suggest: a point of access interface which provides a listener interface of the application programming interface (discussed above) with access to synchronized data transmitted by a broadcaster (claim 1)

In the Final Office Action, the Examiner has asserted that "a Java-based browser that allows a user to display web sites further reads on the claimed point of access API." (Final Office Action, page 6). Hence, the Examiner seems to be asserting that the Java-based browser that allows a user to display web sites teaches both an application

programming interface with access to synchronizing a data. Clearly, the Java-based browser of *Hidary et al.* cannot reasonably be considered to be both an interface and a point of access to itself. Moreover, as noted above a listener object of an application programming interface is generally known in the art to refer to an instance of a class the implements a special interface and not a web browser.

Accordingly, it is respectfully that a Java-based browser that allows a user to display web sites does NOT teach or suggest: a point of access interface which provides a listener interface of the application programming interface with access to synchronized data transmitted by a broadcaster.

(c) *Hidary et al.* does NOT teach or suggest: an application program initiating a request to access a first selected portion of synchronized data by initiating a first listener and waiting for a first notification that indicates the first selected portion of data is available (claim 23)

Contrary to the Examiner's assertion (Office Action, page 8), it is respectfully submitted that a control panel which is capable of receiving URL's and displaying them does NOT teach or even remotely suggest initiating a request to access a first selected portion of synchronized data by initiating a first listener and waiting for a first notification that indicates the first selected portion of data is available, thereby allowing the application program to access data through a first point access which has been linked to the first listener.

(d) *Hidary et al.* does NOT teach or suggest: sending a notification that a selected portion of the synchronized data is available in a point of access interface when a listener interface determines that the selected portion of the synchronized data has been transmitted (claim 24).

Initially, it is respectfully submitted that this feature has NOT been addressed by the Examiner in the Final Office Action. Instead, the Examiner has made a general allegation that "Java functionality of a browser is an API that can be used by an application program to request access to a selected portion of synchronized data (Final Office Action, page 8). This general allegation, however, does NOT even address the feature of sending a notification that a first selected portion of the synchronized data is

available in a first point of access interface. Furthermore, it is respectfully submitted that a general allegation that the claimed functionality can be implemented using Java Programming Language is NOT sufficient to show that the claimed functionality had been implemented by the cited art.

CONCLUSION

Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SUN1P506). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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application processor *n.* A processor dedicated to a single application.

application program *n.* *See* application.

application program interface. *n.* *See* application programming interface.

application programming interface *n.* A set of routines used by an application program to direct the performance of procedures by the computer's operating system.

Acronym: API. *Also called:* application program interface.

application server *n.* **1.** A server program on a computer in a distributed network that handles the business logic between users and backend business applications or databases. Application servers also can provide transaction management, failover, and load balancing. An application server is often viewed as part of a three-tier application consisting of a front-end GUI server such as an HTTP server (first tier), an application server (middle tier), and a backend database and transaction server (third tier). *Also called:* appserver. *Compare* HTTP server (definition 1). **2.** Any machine on which an application-server program is running. *Also called:* appserver.

application service provider *n.* A third-party company or organization that hosts applications or services for individuals or business customers. The customer connects to a data center maintained by the application service provider (ASP) through Internet or private lines to access applications that would otherwise need to be housed on the customer's local servers or individual PCs. This arrangement allows the customer to free up disk space that would otherwise be taken by applications, as well as to access the most recent software updates. ASPs deliver solutions ranging from high-end applications to services for small and medium-sized businesses. *Acronym:* ASP.

application shortcut key *n.* A key or combination of keys that when pressed will quickly perform an action within an application that would normally require several user actions, such as menu selections. *Also called:* keyboard shortcut.

application software *n.* *See* application.

application-specific integrated circuit *n.* *See* gate array.

application suite *n.* *See* suite (definition 1).

appserver *n.* *See* application server.

Aqua *n.* The graphical user interface (GUI) of Macintosh OS X. Aqua was designed to maintain familiarity and a comfort level for users of the earlier Macintosh system while allowing access to newer Macintosh OS X capabilities. The Aqua GUI features updated versions of Macintosh staples such as the Finder alongside new features like the Dock, a new type of organizational tool. *See also* Dock, Macintosh OS X.

arbitration *n.* A set of rules for resolving competing demands for a machine resource by multiple users or processes. *See also* contention.

.arc *n.* The file extension that identifies compressed archive files encoded using the Advanced RISC Computing Specification (ARC) format. *See also* compressed file.

arcade game *n.* **1.** A coin-operated computer game for one or more players that features high-quality screen graphics, sound, and rapid action. **2.** Any computer game designed to mimic the style of a coin-operated arcade game, such as games marketed for the home computer. *See also* computer game.

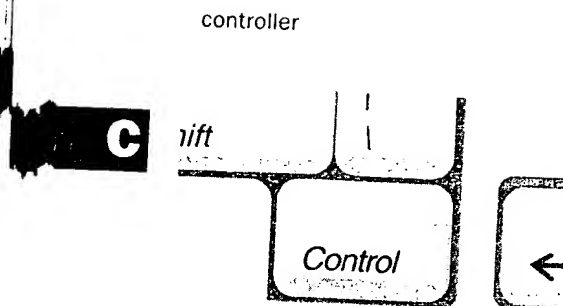
Archie *n.* An Internet utility for finding files in public archives obtainable by anonymous FTP. The master Archie server at McGill University in Montreal downloads FTP indexes from participating FTP servers, merges them into a master list, and sends updated copies of the master list to other Archie servers each day. Archie is a shortened form of *archive*. *See also* anonymous FTP, FTP¹ (definition 1). *Compare* Jughead, Veronica.

Archie client *n.* *See* Archie.

Archie server *n.* On the Internet, a server that contains Archie indexes to the names and addresses of files in public FTP archives. *See also* Archie, FTP¹ (definition 1), server (definition 2).

architecture *n.* **1.** The physical construction or design of a computer system and its components. *See also* cache, CISC, closed architecture, network architecture, open architecture, pipelining, RISC. **2.** The data-handling capacity of a microprocessor. **3.** The design of application software incorporating protocols and the means for expansion and interfacing with other programs.

archive¹ *n.* **1.** A tape or disk containing files copied from another storage device and used as backup storage. **2.** A compressed file. **3.** A file directory on the Internet that is



Control key.

controller *n.* A device that other devices rely on for access to a computer subsystem. A disk controller, for example, controls access to one or more disk drives, managing physical and logical access to the drive or drives.

control logic *n.* The electronic circuitry that generates, interprets, and uses control data.

control panel *n.* In Windows and Macintosh systems, a utility that allows the user to control aspects of the operating system or hardware, such as system time and date, keyboard characteristics, and networking parameters.

control panel device *n.* See cdev.

control sequence *n.* See control code.

control signal *n.* An electronic signal used to control internal or external devices or processes.

control statement *n.* A statement that affects the flow of execution through a program. Control statements include conditional statements (CASE, IF-THEN-ELSE), iterative statements (DO, FOR, REPEAT, WHILE), and transfer statements (GOTO). See also conditional statement, iterative statement, statement, transfer statement.

control strip *n.* 1. An equipment calibration tool used to determine the corrections needed to restore accuracy by comparing recorded data against known values. 2. A utility that groups shortcuts to commonly used items or information, such as time, battery power level, desktop items, and programs, in an easily accessible place. See also shortcut.

control structure *n.* A portion of a program defined by the relationship between the statements, used in structured programming. There are three basic control structures: sequence, where one statement simply follows another; selection, where program flow depends on which criteria are met; and iteration, where an action is repeated until some condition occurs.

control unit *n.* A device or circuit that performs an arbitrating or regulating function. For example, a memory

conversational language

controller chip controls access to a computer's memory and is the control unit for that memory.

control variable *n.* In programming, the variable in a control statement that dictates the flow of execution. For example, the index variable in a FOR loop controls the number of times a group of statements are executed. See also control statement.

convenience adapter *n.* See port replicator.

convention *n.* Any standard that is used more or less universally in a given situation. Many conventions are applied to microcomputers. In programming, for example, a language such as C relies on formally accepted symbols and abbreviations that must be used in programs. Less formally, programmers usually adopt the convention of indenting subordinate instructions in a routine so that the structure of the program is more easily visualized. National and international committees often discuss and arbitrate conventions for programming languages, data structures, communication standards, and device characteristics. See also CCITT, ISO, NTSC, standard (definition 1).

conventional memory *n.* The amount of RAM addressable by an IBM PC or compatible machine operating in real mode. This is typically 640 kilobytes (KB). Without the use of special techniques, conventional memory is the only kind of RAM accessible to MS-DOS programs. See also protected mode, real mode. Compare expanded memory, extended memory.

convergence *n.* A coming together. Convergence can occur between different disciplines and technologies, as when telephone communications and computing converge in the field of telecommunications. It can also occur within a program, such as a spreadsheet, when a circular set of formulas are repeatedly recalculated (iterated), with the results of each iteration coming closer to a true solution.

conversational *adj.* Of, pertaining to, or characteristic of the mode of operation, typical of microcomputers, in which the computer user and the system engage in a dialogue of commands and system responses. See also interactive.

conversational interaction *n.* Interaction in which two or more parties alternately transmit and receive messages from each other. See also interactive processing.

conversational language *n.* Any programming language that allows the programmer to instruct the computer in a conversational mode, as opposed to more formal, structured languages. For example, in a COBOL program, in order to execute a procedure called CHECK 10 times, a

higher quality audio output than FM (frequency modulation) techniques.

WBEM *n.* Acronym for **Web-Based Enterprise Management**. A protocol that links a Web browser directly to a device or an application that monitors a network. *See also* communications protocol.

WDEF *n.* *See* window definition function.

WDL *n.* *See* Windows Driver Library.

WDM *n.* *See* dense wavelength division multiplexing, Windows Driver Model.

weak typing *n.* A characteristic of a programming language that allows the program to change the data type of a variable during program execution. *See also* data type, variable. *Compare* strong typing.

wearable computer *n.* A portable personal computer that its user wears like eyeglasses, clothing, or a wrist-watch but which, unlike those items, is interactive, responds to commands, and carries out instructions. A wearable computer may be used like a conventional computer for data collection, storage, and retrieval, but without tying the user to a stationary location while operating the computer. The earliest wearable computers were clandestine devices used in the mid-1960s to predict the performance of roulette wheels. Today, wearable computers are used for such applications as inventory and express package tracking.

web *n.* A set of interlinked documents in a hypertext system. The user enters the web through a home page. *See also* World Wide Web.

Web *n.* *See* World Wide Web.

Web Accessibility Initiative *n.* *See* WAI.

Web address *n.* *See* URL.

Web application *n.* A set of clients and servers that cooperate to provide the solution to a problem.

Web architect *n.* An individual who analyzes the purpose of a Web site and forms a plan for assembling and integrating the hardware, software, and other technical resources necessary to make the site function properly.

Web author *n.* A person who creates content for the World Wide Web. A Web author might be a writer who produces text for a designer to include in a Web page, or a Web designer who writes the text and also adds graphic elements and prepares the HTML code.

Web-Based Enterprise Management *n.* *See* WBEM.

Web browser *n.* Software that lets a user view HTML documents and access files and software related to the documents. Originally developed to allow users to view browse documents on the World Wide Web, Web browsers can blur the distinction between local and remote resources for the user by also providing access to documents on a network, an intranet, or the local hard drive. Web browser software is built on the concept of hyperlinks, which allow users to point and click with a mouse in order to jump from document to document in whatever order they desire. Most Web browsers are also capable of downloading and transferring files, providing access to newsgroups, displaying graphics embedded in the document, playing audio and video files associated with the document, and executing small programs, such as Java applets or ActiveX controls included by programmers in the documents. Helper applications or plug-ins are required by some Web browsers to accomplish one or more of these tasks. *Also called:* browser. *See also* ActiveX control, helper application, hyperlink, Internet Explorer, Java applet, Lynx, Mosaic, Netscape Navigator, plug-in.

Web bug *n.* A small, nearly undetectable graphic that links to a Web page and is embedded in a document for use as an eavesdropping device. A Web bug usually takes the form of a 1-by-1-pixel transparent GIF file, so it is nearly invisible. This file is placed in a Web page, Microsoft Word file, or other document that users will access. The application in which the document is opened immediately links to the Web to download and display the embedded graphic. Information about the user, including IP address, browser, referrer, and time viewed, is passed to the author of the file when the application retrieves the invisible graphic information.

Webby Award *n.* Award bestowed annually by the International Academy of Digital Arts and Sciences to Web sites. The academy bestows awards to Web sites in more than 20 categories, which include technical achievement, humor, and best community site.

Web cam or **webcam** *n.* A video camera whose output appears on a Web page, usually updated on a regular and frequent schedule. Web cams are used to display weather and traffic conditions, to allow customers and other users to observe current activities at the site owner's business or home (for example, at a day care center), for promotional purposes, and as a form of "gee whiz, look at this!" entertainment.

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